

SPECIAL CIVIL APPLICATION No 5725 of 1999

Hon'ble MR.JUSTICE M.C.PATEL Sd/-

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- [illegible]

- ADMINISTRATIVE OFFICER

HEIRS OF LATE GORDHANDAS                      BULAKHIDAS PARMAR

MR AD OZA for Petitioner

CORAM : MR.JUSTICE M.C.PATEL

Rule. Ms.Rukhsana M.Pathan waives service of Rule for respondents. At the request of the learned Counsel for the parties the matter is taken up for final

hearing. The learned Counsel for the petitioner rightly contends that the Labour Court could not have directed the petitioner to give appointment to the son of the workman who died during the pendency of the reference particularly when it was not the subject matter of the dispute. The learned Counsel for the respondents could not seriously challenge this contention. In the circumstances, the order passed by the Labour Court directing the petitioner to give appointment to the son of the deceased workman is set aside. It will be open to the son of the deceased workman to pursue his claim for appointment on compassionate ground in appropriate proceedings. The Labour Court has awarded only 25% of the backwages in view of its direction to give compassionate appointment to the son of the deceased workman. Since the said direction is being set aside, the amount of backwages awarded is increased from 25% to 50%. The award of the Labour Court shall stand modified accordingly. The rest of the award is confirmed. The Labour Court has directed that the provident fund, gratuity and other benefits may be paid to the widow of the deceased workman. The petitioner shall comply with the award within two months. Rule made absolute accordingly.

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